

Application No.: 09/606,350  
Office Action Dated: December 1, 2005

### REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested.

Claims 21-23, 25-27, 29, 31, 34, 35, 39-51, 87, 91 and 92 were allowed in the office action. Claims 52-85, 88-90, and 93-95 were rejected in the office action. Claims 52, 56, 71, 74, and 81 have been amended herein. No claims have been added or canceled. Therefore, following entry of the present amendment, claims 21-23, 25-27, 29, 31, 34, 35, 39-85, and 87-95 will be pending in the present application.

Claims 52-55 and 88 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,144,848 to Walsh et al. ("Walsh"). Claims 56-85, 89, 90, and 93-95 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,512,919 to Ogasawara ("Ogasawara").

Claims 21-23, 25-27, 29, 31, 34, 35, 39-51, 87, 91 and 92 were deemed allowable in the office action. Application would like to thank the Examiner for recognizing the allowability of these claims.

Applicant would like to thank Examiner Smith for conducting a telephone interview with Applicant. Applicant and Examiner Smith discussed the disclosure of the prior art in comparison with the claimed invention. Although agreement as to specific claim amendment was not reached, the discussion with Examiner Smith was helpful in facilitating and progressing the prosecution of the present application.

Briefly, in one embodiment, the present invention provides for a handheld communication device that comprises an audio input device, an audio output device, a user input device, and a processor. The device may include voice recording and reproduction capabilities and an image input device. In addition, the device may include a memory for storing information such as information for making a purchase (such as, for example, credit card information), destination information, and/or user data (such as, for example, the name and/or address of the user). The destination for transmitting data may be determined based on a voice input, an image input, or on information stored in memory. The data may be wirelessly transmitted to a

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remote device, which, for example purposes only, may be a web server configured to process the sale of the item. The device may form part of a cellular telephone and, therefore, be capable of establishing a voice link over a mobile telephone network for voice communications. Alternately, the device may be integrated into a handheld computer or other portable wireless devices capable of directly accessing the remote computer.

Claims 52-55 and 88 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Walsh. Walsh discloses a low power handheld device for accessing a host computer server. Specifically, the user connects to the host computer server and may transmit command messages to the host computer in real-time. For example, after connection to the host computer, the user may scan a bar code that is imprinted on a bar code command card. The command bar codes correspond to command instructions. Example command cards are shown in Figures 7 and 8 of Walsh. The user may also scan a UPC (Universal Product Code) bar code, which identifies a product. The scanned bar codes are combined into a command message that is transmitted to the host computer. The command message also may include a voice message that may be stored on the host computer. In response to the command instruction included in the command message, the host computer may perform certain actions (e.g., place an order and/or transmit an informational message to the handheld device).

Claim 52 has been amended to require generating a first signal including data based, at least in part, on said information corresponding to the article of commerce *identified in said first speech input*. Applicant submits that this amendment now specifies the source of the information upon which the generating step is based and that this amendment is consistent with overcoming the issue identified during the interview and in mentioned in the Interview Summary.

In contrast to claim 52, Walsh discloses transmitting a voice message to a host server. However, Walsh does not contemplate identifying information corresponding to an article of commerce in a speech input at the host computer or in the handheld device. Walsh further does not disclose generating a first signal including data based, at least in part, on information corresponding to the article of

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commerce identified in said first speech input. Applicant therefore submits that claim 52 is allowable over Walsh.

Claims 56-85, 89, 90, and 93-95 stand rejected as being anticipated by Ogasawara. Ogasawara discloses an electronic shopping system. Specifically, in Ogasawara a user calls a server to establish a connection with the server. The server downloads a personal shopping system application to the user's videophone. The downloaded application controls operation of the user's videophone, which may include a digital camera. The digital camera can be used to scan bar codes or capture images.

Independent claims 56, 74, and 81 have been amended to include a variation of 'after said storing, establishing a communication link with the destination via a mobile telephone network'. This amendment clarifies that the communication link is not established with the remote when the images are stored, but is established at some point thereafter.

Thus, as amended, independent claims 56, 74, and 81, each require a variation of:

- storing a plurality of images in memory;
- after said storing, establishing a communication link with the destination via a mobile telephone network; and
- wireless transmitting a signal (or images) through the mobile telephone network to the destination via the communication link

Ogasawara discloses establishing a connection with the server prior to using the device to scan images. Specifically, the user calls the server by dialing the phone number of the server and the server transmits the application to the user's phone. Col. 3, lines 7-13, lines 23-31; col 6, lines 5-11; col. 12, lines 16-18; and figure 5 (step 51), and figure 6 (step 51a). Only after the connection is established may the user begin scanning products.

Consequently, neither Walsh nor Ogasawara need to store a plurality of images because they can be immediately transmitted over the previously established connection. In contrast, and clarified by the amendment, the claimed example

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embodiments of the present invention, store the plurality of images, and then, at some point thereafter, establish the communication link for transmitting the signal and transmit the signal. Walsh and Ogasawara therefore teach away from the disclosed invention.

The office action asserts that Ogasawara discloses storing a plurality of images and relies on references to "captured"). Office Action at page 5. Applicant respectfully submits that these references are simply the terminology used in Ogasawara to connote the receiving of the image information by the digital camera. For example, at col. 20, lines 45-46, Ogasawara reads:

Such selection is made by capturing an image of an item's  
UPC bar code data, or the like, within the image field of the digital  
camera.

Further, even if capturing of an image were to include storing, which applicant refutes, Ogasawara fails to disclosing storing a plurality of images in memory prior to establishing the communication link as claimed in the independent claims.

Accordingly, applicant respectfully requests withdrawal of the rejection of independent claims 21, 23, 31, 41, 52, 56, 74 and 81. Because a claim that depends from a patentably distinguishable claim is also patentably distinguishable, Applicant respectfully submits that claims 22, 25-28, 29, 34, 35, 39, 40, 42-51, 53-55, 57-73, 75-80, 82-85, and 87-95, which depend from the above independent claims, are in condition for allowance.

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**CONCLUSION**

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact Mel Barnes at (301) 581-0081, to discuss any other changes deemed necessary in a telephonic interview.

Authorization is hereby granted to charge any deficiencies in fees, including any fees for extension of time under 37 C.F.R. §1.136(a), to Deposit Account 50-0687. Please credit any overpayment in fees to the same deposit account.

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